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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,586	06/27/2003	Mark Doran	20002/16812	8423
34431	7590	06/22/2007		
HANLEY, FLIGHT & ZIMMERMAN, LLC			EXAMINER	
150 S. WACKER DRIVE				WU, QING YUAN
SUITE 2100			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606				2194
			MAIL DATE	DELIVERY MODE
			06/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/608,586	DORAN ET AL.
Examiner	Art Unit	
Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 April 2007.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
 WILLIAM THOMSON  
 ISORY PATENT EXAMINER

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***DETAILED ACTION***

1. Claims 1-23 are pending in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Extensible Firmware Interface Specification" version 1.02 (hereafter Version102), in view of Blumenau et al. (hereafter Blumenau) (U.S. Patent 6,993,581).

4. As to claim 1, Version102 teaches the invention substantially as claimed including receiving a driver request from a driver during an operation phase of firmware in a processor system [pg. 19, section 2.4; pg. 55, section 3.3].

5. Version102 does not specifically teach identifying the driver request as a request associated with a violating condition, and rejecting the driver request. However, Version102 disclosed denying access to a file [Status Codes Returned, pgs. 189, 194, 198, 202-203]. In addition, Blumenau teaches identifying a request as a request associated with a violating condition, and rejecting the request [Blumenau, col. 7, lines 43-49; col. 8, lines 1-10; col. 10,

lines 17-31].

6. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Version102 with the teaching of Blumenau because Blumenau's teaching of access controlling provides security, privacy, reliability and availability to any processing system. A person of ordinary skill in the art would be motivated to apply the teaching of Blumenau's teaching to address any security concern (i.e. access regulation/control) [Blumenau, col. 2, lines 45-47; col. 3, lines 36-55].

7. As to claims 2-3 and 6, these claims are rejected for the same reason as claim 1 above.

8. As to claim 4, this claim is rejected for the same reason as claim 1 above. In addition, Version102 as modified does not specifically teach a central processing unit architectural protocol. However, Version102 disclosed various EFI protocols [pg. 20, Table 2-4; pg. 21, Table 2-5; pg. 22, Table 2-6]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized the different architectural protocols (as supported by applicant's specification [Specification, pg. 2, paragraph 29, lines 8-10]).

9. As to claim 5, Version102 as modified does not specifically teach the claim as recited. However, Version102 disclosed a protocol interface that was installed and reinstalled [install protocol interface, pgs. 55-58; reinstall protocol interface, pg. 60]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that

installed protocol interface are stored within storage media in a processor system.

10. As to claim 13, Version102 as modified teaches the invention substantially as claimed including wherein the machine readable medium comprises one of a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media [Blumenau, col. 15, lines 61-65].

11. As to claims 14-23, Version102 as modified teaches substantially the method to protect a protocol interface, therefore Version102 as modified teaches substantially the apparatus and processor system for implementing the method.

12. As to claims 7-12, these claims are rejected for the same reason as method claims 1-6 above.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7,007,159 to Wyatt.

U.S. Patent No., 6,961,848, U.S. Publication No. 2003/0110369 and 2003/0110370 to Fish et al.

U.S. Patent No. 6,907,521 to Saw-Chu et al.

“Solving BIOS Boot Issues with EFI” to Kinney.

*Response to Arguments*

14. Applicant's arguments filed 4/13/07 have been fully considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194

  
WILLIAM THOMSON  
PROVISIONAL PATENT EXAMINER